

BAY COUNTY BOARD OF CANVASSERS

AUGUST 18, 1992

THE BAY COUNTY BOARD OF CANVASSERS MET ON TUESDAY, AUGUST 18, 1992, IN THE COMMISSIONER'S GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING. MEETING WAS CALLED FOR THE PURPOSE OF REVIEWING A PETITION ENDORSING A REVOTE OF THE BANGOR TOWNSHIP CLERK POSITION OF THE PRIMARY ELECTION. CHAIRMAN CHEVALIER CALLED THE MEETING TO ORDER AT 8:35 A.M. WITH THE FOLLOWING PRESENT:

ROLL CALL: DONALD CHEVALIER, CHAIRMAN
WALT WOZNIAK, VICE-CHMN.
RICHARD BRZEZINSKI, MEMBER
WILSON BERGER, MEMBER

OTHERS PRESENT: BARBARA ALBERTSON, CLERK
LINDA TOBER, CHIEF DEPUTY
CYNTHIA LUCZAK, SECRETARY
KIM HIGGS, EXECUTIVE/COUNSEL
SHARON RUSSELL, BANGOR CLERK
ABIGAIL RAMEY, CLERK CANDIDATE
SUSAN HEGLUND, BANGOR CANDIDATE
AL HEGLUND, BANGOR RESIDENT
RAY MADIGAN, RE:PRECINCT DELEGATE
RUTH CHARBONNEAU, BANGOR TREASURER
MARY SZCZEPANSKI, ELECTION WORKER
MARION FITZGERALD, BANGOR DEPUTY
NEWSMEDIA

CHAIRMAN CHEVALIER INTRODUCED ALL MEMBERS OF THE BOARD OF CANVASSERS AND PROCEEDED TO ALLOW GUESTS IN ATTENDANCE TO ALSO IDENTIFY THEMSELVES.

THIS MEETING WAS CALLED FOR THE REVIEW OF A PETITION SUBMITTED BY BANGOR TOWNSHIP CLERK CANDIDATE, ABIGAIL RAMEY, FOR A REVOTE WITHIN BANGOR TOWNSHIP. THE CANVASSERS STATED THEY HAD READ THE LETTER SUBMITTED BY MS. RAMEY AND WERE OPEN TO DISCUSSION OF THE ALLEGATIONS WHICH SHE FELT WARRANTED A REVOTE OF THE TOWNSHIP.

PURSUANT TO THE OPEN MEETINGS ACT, PUBLIC INPUT WAS ACCEPTED AT THIS TIME.

KIM HIGGS RAISED TWO QUESTIONS REGARDING THE PROPRIETY OF THE ELECTION PROCESS IN BANGOR TOWNSHIP. FIRST, WHO WERE THE MEMBERS OF THE TOWNSHIP ELECTION COMMISSION AND SECONDLY, HAD THOSE MEMBERS MEET PRIOR TO THE ELECTION IN ACCORDANCE TO STATUTE.

SHARON RUSSELL, BANGOR TWP. CLERK, RESPONDED THAT MEMBERS TO THE TOWNSHIP ELECTION COMMISSION WERE DUFF ZUBE, HENRY SCHUMANN AND HERSELF. ALSO, THAT THE BOARD UTILIZED THE INSPECTORS USED IN THE PAST FOR THE AUGUST 4TH PRIMARY ELECTION. MS. RUSSELL INDICATED THE BOARD MEMBERS HAD LAST MET IN 1990/1991. FURTHER, NO TOWNSHIP ELECTION COMMISSION HAD EXISTED PRIOR TO HER TAKING OFFICE AS CLERK.

BANGOR TOWNSHIP CLERK CANDIDATE, ABIGAIL RAMEY, SPOKE AT THIS TIME. SHE MADE REFERENCE TO THE LETTER SUBMITTED TO THE BOARD, WRITTEN BY GORDON WILSON, DESCRIBING PROBLEMS HE ENCOUNTERED WHEN VOTING AT BANGOR PRECINCT NUMBER ONE. CONCERNS HAD ALSO BEEN EVIDENCED BY A VOTER IN PRECINCT EIGHT WHO HAD PROBLEMS WITH A LEVER ON A MACHINE IN THAT PRECINCT. MS. RAMEY ALSO MADE REFERENCE TO LEVER DIFFICULTY REPORTED IN BANGOR PRECINCT THREE, BY THE BAY CITY TIMES. ELECTION WORKER, MS. MUNGER, TOLD MS. RAMEY "STICKER PROBLEMS" OCCURED ON THREE DIFFERENT OCCASIONS AT BANGOR NORTH AND LEVER PROBLEMS AT BANGOR LINCOLN. IT WAS HER OPINION, THERE MAY HAVE BEEN OTHER VOTES CAST THAT WERE NOT PROPERLY CALCULATED AS A RESULT OF SUCH PROBLEMS.

CHAIRMAN CHEVALIER ASKED ELECTION WORKER, MARY SZCZEPANSKI, (PRECINCT 1) IF THE VOTING MACHINE HAD MALFUNCTIONED OR JAMMED DURING THE VOTING. SHE RESPONDED THE MACHINE DID NOT MALFUNCTION BUT DID JAM AS A RESULT OF THE VOTERS ATTEMPT TO POSSIBLY CAST A REGULAR VOTE AND WRITE-IN VOTE OR BECAUSE OF THE FACT THE VOTER MAY HAVE TRIED TO SPLIT HIS PARTY. PERSONS VOTING THIS MACHINE AFTER MR. WILSON, HAD NO PROBLEM CASTING VOTES. ELECTION INSPECTORS WERE INSTRUCTED TO CHECK THE VOTING MACHINES AFTER EACH PERSON VOTED, TO INSURE THERE WERE NO PROBLEMS; LITERATURE LEFT; STICKERS PLACED ON MACHINE, ETC.

CHAIRMAN CHEVALIER STATED THERE HAD BEEN A NUMBER OF "JAMMING" CASES REPORTED THROUGHOUT BAY COUNTY. THIS OCCURRED WHEN VOTERS MAY SPLIT A PARTY TICKETS OR ATTEMPTED TO VOTE A LEVER CANDIDATE AND WRITE-IN CANDIDATE AT THE SAME TIME. ALSO, THAT THE "JAMMING" WAS MUCH DIFFERENT THAN A "MALFUNCTION". THE MACHINE WILL OPERATE NORMALLY ONCE A "JAM" WAS CLEARED.

SHARON RUSSELL NOTED CONFUSION EXISTED IN PLACEMENT OF THE STICKERS ON A WRITE-IN SLOT. VOTERS WOULD PLACE THE WRITE-IN CANDIDATE STICKER ON THE FACE OF THE MACHINE AS OPPOSED TO LIFTING THE SLOT AT THE TOP OF MACHINE, FOR CASTING OF THE VOTE IN

THE PROPER AREA. AT THIS ELECTION, STICKERS PLACED IN THE WRONG AREAS, WERE REMOVED BY ELECTION WORKERS WHO WERE REQUIRED TO USE ADHESIVE REMOVER TO REDUCE ANY RESIDUE IN PRECINCT TWO.

CANDIDATE SUSAN HEGLAND, STATED SHE DID NOT REALIZE THE IMPLICATIONS USE OF THE WRITE-IN STICKERS MAY CAUSE. EVEN THOUGH THE ELECTION WORKERS WERE TO INSPECT THE MACHINE AFTER EACH VOTER, SHE COULD NOT HELP BUT FEEL SHE MAY HAVE LOST VOTES BY MISPLACED STICKERS.

MR. CHEVALIER CLAIMED MANY BAY COUNTY VOTERS WERE IGNORANT AS TO THE PROCEDURE FOR A WRITE-IN VOTE.

SHARON RUSSELL QUESTIONED WHETHER OR NOT SHE MAY HAVE LOST VOTES BY MISPLACED STICKERS ALSO. THAT THE ELECTION WORKERS HAD NO CONTROL OVER PLACEMENT OF THE STICKERS BY THE VOTER.

ABIGAIL RAMEY HAD RECEIVED REPORTS FROM ELECTION WORKERS WHO SAID THEY WERE TIRED AFTER THE LONG DAYS WORK AND THEREFORE ADMITTED BEING "LAX" IN CHECKING THE VOTING MACHINE AFTER EACH VOTER. IT WAS HER OPINION, THERE NEEDED TO BE MORE CONTROL OF THE VOTING MACHINE INSPECTIONS.

UPON INQUIRY OF MR. HIGGS, SHARON RUSSELL REPLIED THAT FIVE ELECTION INSPECTORS WERE ASSIGNED PER VOTING PRECINCT.

RAY MADIGAN, CANDIDATE FOR PRECINCT DELEGATE (PRECINCT TWO), SOUGHT JUSTIFICATION FOR THE RECORDING OF ONLY ONE VOTE WHEN HE HAD PROOF THAT SEVEN ABSENTEE VOTES HAD BEEN CAST IN HIS FAVOR. UPON INFORMING THE COUNTY CLERK OF THIS SITUATION AND REQUESTING A RECOUNT, MR. MADIGAN WAS TOLD STATE LAW DID NOT PERMIT RECOUNT FOR PRECINCT DELEGATE.

CHAIRMAN CHEVALIER ASSURED MR. MADIGAN THAT THE BOARD OF CANVASSERS WOULD WATCH FOR ABSENTEE VOTES CAST FOR HIM DURING THE RECOUNT OF BANGOR TOWNSHIP.

IN THE CASE OF MS. HEGLUND, THE BOARD HAD ACCEPTED VOTES REFLECTING S. HEGLUND; SUSIE HEGLUND AND SUSAN HEGLUND BUT DISREGARDED ANY WRITE-IN VOTES CAST FOR JUST "HEGLUND". THE BOARD COULD NOT BE ASSURED THAT THE VOTES CAST FOR JUST "HEGLUND" WERE NOT INTENDED FOR ANY OF THE THREE OTHER HEGLUND REGISTERED VOTERS WITHIN THE TOWNSHIP.

RICHARD BRZEZINSKI DETERMINED A TOTAL DIFFERENCE OF 122 VOTES FROM THE NUMBER CAST FOR ABIGAIL RAMEY AND THOSE CAST FOR SHARON RUSSELL. AS MS. RAMEY WAS CON-

CONCERNED WITH PARTICULAR PROBLEMS WITHIN THREE OR FOUR PRECINCTS, MR. BRZEZINSKI WONDERED IF 122 VOTES COULD BE LOCATED FOR A SIGNIFICANT DIFFERENCE IN THE RESULTS. MS. RAMEY FELT SHE MAY LOCATE ADDITIONAL VOTES CAST IN HER FAVOR IF SHE HAD MORE TIME.

WITH THE STATE LAW GRANTING A PERIOD OF FIVE DAYS TO HOLD A PUBLIC HEARING ON A REVOTE PETITION, THE BOARD COULD NOT ALLOW MS. RAMEY ANY MORE TIME.

WILSON BERGER CONCURRED WITH OFFICIALS WHO CLAIMED THE VOTING MACHINE IN QUESTION WAS ONLY "JAMMED" AS OPPOSED TO MALFUNCTIONING.

WALT WOZNAK STATED WRITE-IN VOTES WERE A HEADACHE IN THIS ELECTION AND THOSE IN WHICH HE HAD BEEN INVOLVED WITH IN PRIOR YEARS AS CLERK.

KIM HIGGS EXPLAINED HOW A REGULAR CANDIDATE ON THE VOTING MACHINE WOULD BE LOCKED OUT, IF A VOTER WAS ATTEMPTING TO CAST A WRITE IN VOTE. IN THE CASE IN QUESTION, THE VOTER MAY HAVE CHANGED HIS MIND AFTER FIRST PLACING A VOTE ON THE MACHINE AND THEN DECIDED TO WRITE IN A NAME.

CHAIRMAN CHEVALIER CALLED FOR A VOTE OF THE MATTER AT THIS TIME. THE CASTING OF AN AFFIRMATIVE VOTE WOULD ALLOW A REVOTE AND CASTING OF A NEGATIVE VOTE WOULD DENY THE REVOTE. MOTION DENIED BY ROLL CALL.

WOZNAK-NAY
BERGER-NAY

BRZEZINSKI-NAY
CHEVALIER-NAY

CHAIRMAN CHEVALIER INDICATED ALL MACHINES SHALL BE TESTED FOR MALFUNCTIONS DURING THE COUNTY WIDE RE-COUNT. FURTHER, THIS WILL NOT OCCUR UNTIL THE STATE SHALL RELEASE THE VOTING MACHINES SOMETIME DURING SEPTEMBER. TOWNSHIP CLERKS WILL BE RESPONSIBLE FOR NOTIFYING CANDIDATES WHEN THE RECOUNT IN THEIR TOWNSHIP SHALL TAKE PLACE.

MS. HEGLUND WAS GIVEN THIS OPPORTUNITY TO EXPRESS OTHER CONCERNS SHE HAD WITH THE WRITE IN CANDIDATE PROCEDURES. THESE INCLUDED THE INCORRECT PLACEMENT OF STICKERS; LACK OF PENCILS IN MACHINES; SIZE OF PENCILS PROVIDED IN MACHINES; LENGTH OF STRING ON VOTING MACHINE PENCIL; VOTER HAD TO "THROW AWAY" ANY LITERATURE THEY HAD BROUGHT TO ASSIST THEM IN VOTING/LITERATURE; LETTERS CONFIRMING VOTES CAST FOR "HEGLUND" WERE INTENDED FOR SUSAN HEGLUND; A QUESTION OF STICKERS FALLING OFF; QUESTIONED THE TYPE OF BALLOT PAPER THE STICKERS WERE PLACED ON (WHEN PLACING HER OWN WRITE IN VOTE, THE MACHINE PAPER APPEARED AS A CARDBOARD ROLL BACKING); ALSO

AUGUST 18, 1992

THE PROCESSING OF ABSENTEE BALLOTS WHEN RETURNED. CONFIRMATION OF MS. HEGLUND ABSENTEE VOTES SHALL BE DETERMINED DURING THE RECOUNT PROCESS.

CLERK ALBERTSON STATED THE MACHINE SETTERS WERE INSTRUCTED TO BE ESPECIALLY CAREFUL IN THE SET UP OF MACHINES IN BANGOR TOWNSHIP DUE TO THE ANTICIPATED HIGH NUMBER OF WRITE IN VOTES. MACHINE SETTERS INITIAL THE MACHINES AFTER SETTING THEM AND LOCK EACH ONE AFTER COMPLETING THE SET UP. PRECINCT WORKERS MUST UNLOCK THE MACHINES WHEN THE POLLS OPEN ON AN ELECTION DAY.

RICHARD BRZEZINSKI NOTED THERE WERE A NUMBER OF ABSENTEE BALLOTS NOT RETURNED TO THE CLERK IN BANGOR TOWNSHIP. HE FELT THE TAMPERING OF ABSENTEE BALLOTS WAS HIGHLY UNLIKELY.

MS. HEGLUND THANKED THE BOARD FOR THEIR TIME.

WALT WOZNIAK STATED MS. HEGLUND MAY STILL SEEK RECOURSE THROUGH THE COURTS IF SHE FELT IT NECESSARY.

KIM HIGGS EXPRESSED HIS DISMAY TO ADMISSION OF BANGOR TOWNSHIP'S VIOLATION OF THE OPEN MEETING ACT BY NOT CALLING A MEETING OF THE TOWNSHIP ELECTION COMMISSION IN ACCORDANCE TO STATE STATUTE. ACTIONS OF THE BOARD MAY BE INVALIDATED IF THE INSPECTORS HAD NOT BEEN PROPERLY APPOINTED.

INSPECTOR APPOINTMENT WAS COMPARED FOR OTHER CITIES AND TOWNSHIPS.

KIM HIGGS COMMENDED THE BOARD OF CANVASSERS FOR THE WAY IN WHICH THEY CONDUCT BUSINESS AND BASE THEIR DECISIONS ON THE LAWS.

WILSON BERGER MOVED TO ADJOURN THE MEETING. RICHARD BRZEZINSKI SUPPORTED THE MOTION TO ADJOURN AND THE SESSION WAS CONCLUDED AT 9:35 A.M.

RESPECTFULLY SUMMITTED

BARBARA ALBERTSON
BAY COUNTY CLERK